

Notice of Allowability

Application No.

10/035,773

Examiner

Julian Mercado

Applicant(s)

PAPASOULIOTIS ET AL.

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7-20-04.
2. ☒ The allowed claim(s) is/are 1-35.
3. ☒ The drawings filed on 12-21-2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Remarks

This Office action is responsive to applicant's amendment filed July 20, 2004.

Claims 1-35 are pending.

Claim Rejections - 35 USC § 112

The rejection of claims 1-35 under 35 U.S.C. 112, second paragraph has been withdrawn.

Double Patenting

The terminal disclaimer filed on July 20, 2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 5,872,058 and U.S. Patent No. 6,395,150 B1 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Accordingly, the following rejections have been obviated:

- a. The rejection of claims 1, 2, 5, 7-16, 19-27 and 30-35 under the judicially created doctrine of obviousness-type double patenting based on U.S. Patent No. 5,872,058 (the '058 Patent) and Dobuzinsky et al. (U.S. Pat. 5,563,105).
- b. The rejection of claims 1, 2, 7-9, 11-16, 20-24, 26, 27 and 31-35 under the judicially created doctrine of obviousness-type double patenting based on claims 1, 2, 6 and 9-12 of U.S. Patent No. 6,395,150 B1 (the '150 Patent) and Dobuzinsky et al. (U.S. Pat. 5,563,105).

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c. The rejection of claims 3, 4, 6, 17, 18, 28 and 29 under the judicially created doctrine of obviousness-type double patenting based on the '058 Patent and Dobuzinsky et al. and Douglas (U.S. Pat. 4,711,698).

d. The rejection of claims 3, 4, 6, 17, 18, 28 and 29 under the judicially created doctrine of obviousness-type double patenting based on the '150 Patent and Dobuzinsky et al. and Douglas (U.S. Pat. 4,711,698).

Allowable Subject Matter

Claims 1-35 are allowed.

The following is an examiner's statement of reasons for allowance: the prior art of record does not teach or render obvious at least to the skilled artisan the instant invention regarding a first component selected from the group consisting of helium and hydrogen during simultaneous CVD and sputter etching or by HDP deposition.

Conclusion

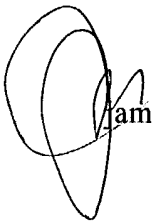
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian Mercado whose telephone number is (571) 272-1289. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan, can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



am



Patrick Ryan
SPR-A.T Unit 1745